

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD HALL,

Plaintiff,

Case No. 15-12971

v.

Honorable John Corbett O'Meara

CITY OF DETROIT, *et al.*,

Defendants.

ORDER GRANTING PLAINTIFF'S APPLICATION TO PROCEED IFP

This matter came before the court on plaintiff Richard Hall's December 14, 2016 Application to Proceed in District Court Without Prepaying Fees or Costs. It appears, however, that Hall intended to apply to proceed *in forma pauperis* ("IFP") on appeal, as he also filed Notice of Appeal December 14, 2016. Accordingly, the court will assume for purposes of this order that Plaintiff has applied for IFP status regarding his appeal.

The standards governing *in forma pauperis* motions are set forth in 28 U.S.C. § 1915(a). The district court may authorize the commencement of an appeal of a civil action without the prepayment of fees or costs by a person who submits an affidavit that he or she "is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1). The district court must examine the financial condition of the applicant

to determine whether the payment of fees would cause an undue financial hardship. Prows v. Kastner, 842 F.2d 138, 140 (5th Cir.), cert.denied, 488 U.S. 941 (1988).

In this case Plaintiff's claim of indigence is supported by the information supplied in support of his application. The court concludes that paying the appellate filing fee is beyond his means.

Even when an applicant establishes indigence, however, the court must certify that the appeal is filed in good faith. The statute specifically provides that "[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). The good faith standard is an objective one, and "good faith" will exist where a party "seeks appellate review of any issue not frivolous." Coppedge v. United States, 369 U.S. 438, 445 (1962). In this case the court certifies that the appeal is taken in good faith.

ORDER

It is hereby **ORDERED** that plaintiff Richard Hall's December 14, 2016 Motion to Proceed *In Forma Pauperis* is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: January 10, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 10, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager